

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Mahabubabad – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the Collector & District Magistrate, Mahabubabad District vide Prods. No.REV/C3/214/0044/2021-CSEC, dated 14.10.2021, - Appeal filed by Sri Banoth Venkatram S/o Bicha R/o Kothaguda Village & Mandal, Mahabubabad District – Appeal Dismissed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.43

Dated: 03.10.2023

Read the following:-

1. Proceedings No. No.REV/C3/214/0044/2021-CSEC, dated 14.10.2021 O/o. the Collector & District Magistrate, Mahabubabad District.
2. Appeal petition filed by Sri Banoth Venkatram S/o Bicha R/o Kothaguda Village & Mandal, Mahabubabad District Dated . .06.2023.
3. Govt.Memo.No.740/TW.LTR/2023-1,dated 12.07.2023 &10.08.2023.
4. Govt. Notice No.740/TW.LTR/2023, dated 12.07.2023, 27.07.2023 & 10.08.2023.
5. From the Deputy Director(TW), Mahabubabad District Lr.No.T1/DLSC/385/2021, dated 26.08.2023.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Mahabubabad District has cancelled the Local Scheduled Tribe Agency Area Certificate bearing No. C/50/2001, dated 14.03.2001 of Sri Banoth Venkatram S/o Bicha R/o Kothaguda Village & Mandal, Mahabubabad District.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Mahabubabad District in the reference 2nd read above, the Appellant Sri Banoth Venkatram S/o Bicha R/o Kothaguda Village & Mandal, Mahabubabad District.has filed the present Appeal under GO Ms.No.24, Tribal Welfare (LTR-1) Department, dated 12.6.2018 stating as follows:

- i) He belongs to ST Lambada community and native of Kothaguda village and Mandal in the erstwhile Warangal District by birth along with his ancestors continuously living in the agency villages i.e. Rajupeta and Kothaguda villages of erstwhile Narsampet Taluq and the present Kothaguda Mandal from 1950 to 1969 and 1969 to till now. Both Rajupeta and Kothaguda villages are notified scheduled villages as per the Presidential Order, 1950. Thus, he is the local Scheduled Tribe of Kothaguda agency village in the present Mahabubabad District. The Mandal Revenue Officer, Kothaguda after causing discrete enquiries about his local ST status has issued him the Agency Area Local ST Certificate bearing No.C/50/2001, dated 14.03.2001.
- ii) He has been provisionally selected to the post of School Assistant (Physical Education) in DSC 2012 vide Application No.210048. During verification of genuineness of his Agency Area Local ST Certificate, in spite of submitting all the relevant documentary evidences, the Collector & District Magistrate, Mahabubabad has passed orders in Procs.No.e-Office File No. REV/C3/214/0044/2021-CSEC, dated 14.10.2021 cancelling his Local ST Certificate No.C/50/2001, dated 14.03.2001 issued by the Mandal Revenue Officer, Kothaguda.
- iii) His ancestors lived in Rajupeta village from before 1950 till 1969 and from then onwards till now in Kothaguda village. Both Rajupeta and Kothaguda are agency villages in the erstwhile Narsampeta Taluq. He was born, brought up and living in Kothaguda agency village and Mandal only since his birth.

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3. In proof of his agency area local ST status, along with the appeal, the appellant Sri Banoth Venkatram S/o Bicha has submitted the following documentary evidences:

- i) Educational qualifications certificates from 3rd class to Graduation in B.Com and completion of B.P.Ed. in May, 2009.
- ii) Community and Date of Birth Certificate bearing No.TSGGAA 99245272, dated 12.12.2017 issued by the Tahsildar, Kothagudam, wherein it was certified that he belongs to Lambadis-28 (ST) community and Date of Birth is 17.10.1986.
- iii) Local ST Candidate certificate bearing No.C/50/2001, dated 14.03.2001 issued by Mandal Revenue Officer, Kothaguda Mandal certifying that he belongs to ST Lambada community and continuously residing in Kothaguda village along with his parents since 1950.
- iv) Family Tree
 - Banoth Tulsya S/o Chandru is Great grandfather (3rd). He has three sons namely 1) Banoth Somla 2) Banoth Bheemla (2nd great grandfather) and 3) Banoth Bikya.
 - Banoth Bheemla (2nd great grandfather) has only son namely Banoth Amru (1st great grandfather).
 - Banoth Amru (1st great grandfather) has only one namely Banoth Thavurya (grandfather of appellant).
 - Banoth Thavurya (grandfather) has three sons namely Bichya (father of appellant), Bhadru and Eerya.
 - Banoth Bichya (father of appellant) has two sons namely Banoth Venkatram (appellant) and Banoth Ramesh (younger brother).
- v) Pahani for the year 1948-49 – Rajupeta village – Narsampet Taluq – name of Banoth Tulsya (3rd great grandfather) was recorded.
- vi) Pahani for the year 1950-51 – Rajupeta village – Narsampet Taluq – name of Banoth Tulsya (3rd great grandfather) was recorded.
- vii) Pahani for the year 1961-62 – Rajupeta village – Narsampet Taluq – name of Banoth Tulsya (3rd great grandfather) was recorded.
- viii) Certificate bearing Rc.No.F/172/2015, dated 18.08.2015 issued by the Tahsildar, Narsampet Mandal – wherein it was certified that “On the basis of the local enquiry conducted, statements recorded by the field staff and as per the evidence and affidavit submitted by the applicant and statement of the village elders of Rajupet village, the ancestors of Sri Banothu Venkatram S/o Bichya resided at Rajupet village, Narsampet Mandal from 1950 year to 1969 and shifted to Kothaguda Mandal.”
- ix) Faisal Patti of 1976-77 – Kothapalli village – name of grandfather Banoth Thavurya S/o Amru was recorded for an extent of acs.1.00.
- x) B-Memo issued by the Dy.Tahsildar, Kothaguda, Warangal District (period 1956-57 to 1976-77) wherein name of Banoth Thavurya S/o Amru (grandfather) was recorded for an extent of acs.1.00.

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- xi) Record of Forest Rights Title issued jointly by the Divisional Forest, Officer; District Tribal Welfare Officer and District Collector in favour of Sri Banoth Bichya (father of appellant) for an extent of acs.1.82 cents situated in Kothaguda village and Mandal of Narsampeta Division.
- xii) Electoral Roll 1975 – 266 Narsampet Assembly Constituency – name of Banoth Thavurya S/o Amru (grandfather of appellant) was enrolled at Sl.No.25 – Block 1 – Part No.101 – Revenue Circle: Chennaraopeta, Taluq: Narsampeta, Kothagudem village.
- xiii) Electoral Roll 1980 – 266 Narsampet Assembly Constituency – name of Banoth Thavurya S/o Amru (grandfather of appellant) was enrolled at Sl.No.718 – Polling Station No.124 – Taluq: Gudur – village: Kothagudem – Block No.1.
- xiv) Electoral Roll 1995 – 266 Narsampet Assembly Constituency – Polling Station No.178 – village: Kothagudem – Mandal: Kothagudem – District – Warangal – wherein name of his father Banoth Bichya was enrolled at Sl.No.939, grandfather Banoth Thavurya at Sl.No.944 and his paternal uncle Banoth Bhadru at Sl.No.945.
- xv) Photo Voters List 2021 – Kothaguda village – names of his mother Banoth Bhadramma W/o Bichya, appellant Banoth Venkatram S/o Bichya and father of appellant Banoth Bichya S/o Thavurya were enrolled at Sl.Nos.70, 73 and 69.
- xvi) Photo Voters List 2023 – Kothaguda village – name of father of appellant Banoth Bichya was enrolled at Sl.No.71, his mother Banoth Bhadramma W/o Bichya was enrolled at Sl.No.72 and appellant Banoth Venkatram at Sl.No.75 under H.No.1-89.
- xvii) White Ration Card No.WAP212800100266 issued to his father Banoth Bichya – wherein their permanent residence was recorded as Kothaguda village and Mandal. Names of Family members viz., Banoth Bhadramma (mother), Venkatram(appellant) and Ramesh (younger brother of appellant) were recorded.
- xviii) Election Photo Identity Card No.AP/39/266/531590 issued by Electoral Registration Officer, Narsampet on 15.12.1995 to father of appellant Banot Bichya wherein residence was recorded as H.No.5-1, Kothagudem village.
- xix) Election Photo Identity Card No.AP/39/266/531598, date 15.12.1995 – issued by Electoral Registration Officer, Narsampet Assembly Constituency to 1st great grandfather of appellant viz., Banot Amru S/o Thulsya wherein address was recorded as H.No. 1-4, Kothagudem village.
- xx) Election Photo Identity Card No.AP/39/266/531598, dated 15.12.1995 issued by Electoral Registration Officer, Narsampet Assembly Constituency to father of appellant Banoth Bichya wherein residence was recorded as H.No.5-4, Kothagudem village.
- xxi) Election Photo Identity Card No.AP/39/266/534714, dated 16.03.2003 issued by Electoral Registration Officer, Narsampet Assembly Constituency to grandmother of appellant Smt.Banot Chanpli W/o Tavaurya wherein address was recorded as H.No.5-4, Kothagudem village.
- xxii) Election Photo Identity Card No.AP/39/266/534727, dated 15.12.1995 issued by Electoral Registration Officer, Narsampet Assembly Constituency to mother of appellant Smt.Banot Badri W/o Bichya wherein residence was recorded as H.No.5-1, Kothagudem village.

- xxiii) Election Photo Identity Card No.FBB2490498, dated 01.06.2003 issued to the appellant Banothu Venkatram S/o Bichya by Electoral Registration Officer, Narsampet Assembly Constituency wherein his address was recorded as H.No.5-1, Kothaguda village under Kothaguda Block-5.
- xxiv) Aadhar Card No.5553 8832 4377 issued by UIDAI Govt. of India to father of appellant viz., Banoth Bichya S/o Thavurya, wherein village of residence was recorded as Kothaguda village and Mandal in Warangal District.
- xxv) Aadhar Card No.7814 8537 8472 issued by UIDAI Govt. of India to appellant Sri Banoth Venkatram S/o Bichya wherein his village of residence was recorded as Kothaguda village and Mandal in Warangal District.
- xxvi) Aadhar Card No.2922 3441 2614 issued by UIDAI Govt. of India to mother of appellant viz., Smt. Banoth Bhadramma W/o Bicha wherein village of residence was recorded as Kothaguda and Mandal Kothaguda in Warangal District.
- xxvii) Kothaguda PESA Gram Sabha Resolution dated 10.6.2023 wherein it was resolved that family of Banoth Bichya resided in Rajupeta village from 1950 to 1969 and from thereafter in Kothaguda village and Mandal continuously.
- xxviii) Kothaguda Gram Panchayat Resolution dated 03.05.2023 wherein it was resolved that his forefathers viz., Banoth Tulsya possessed agriculture land as per pahanies of 1948 and 1950 in Rajupeta village under Narsampet Taluq. He has three sons namely 1) Somla 2) Bheemla and 3) Bhikya. Second son Banoth Bheemla has one son namely Banoth Amru who has only son Banoth Thavurya. Banoth Thavurya has four sons namely 1) Bichya 2) Bhadru 3) Eerya and 4) Tulsya. Till 1969 the family lived in Rajupeta village doing agriculture and later migrated to Kothaguda village in 1970.
- xxix) Copy of report bearing Rc.No.C/631/2012, dated 6.11.2012 of Tahsildar, Kothaguda Mandal addressed to the Revenue Divisional Officer, Narsampet, wherein it was reported that the Local ST Certificate bearing No.C/50/2001 issued to Banoth Venkatram from the office was found genuine as they have been continuously living in Kothaguda village and Mandal since their forefathers.
- xxx) Copy of report bearing Rc.No.624/2014, dated 19.01.2015 of Tahsildar, Kothaguda Mandal addressed to the Project Officer, ITDA Eturunagaram, Warangal District.
- xxxi) Copy of interim orders of the Hon'ble AP Administrative Tribunal at Hyderabad in OA No.6875 of 2014, dated 19.2.2015.

"Para 3. Report of the Tahsildar, Kothaguda to the Revenue Divisional Officer, Narsampet dated 06.11.2012 shows that the applicant produced proof even relating to the year 1949-50 and that he is a local Scheduled Tribe candidate of Kothaguda and that the certificate to that effect produced by the applicant is genuine. Till now, it appears that no decision is taken on the applicant.

Para 4. In the circumstances, pending disposal of the Original Applications, the respondents 4 and 5 are directed to consider the applicant for appointment to the post of School Assistant (Physical Director Grade-II) in accordance with his merit pursuant to special DSC-2012 for Scheduled Tribes in Warangal District by provisionally treating him as local Scheduled Tribe of Kothaguda village of Warangal District and pass necessary orders within a period of two months from the date of receipt of copy of this order.

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xxxii) Copy of Govt.Memo.No.1274/TW.LTR.A1/2015, dated 24.02.2015 of Tribal Welfare (LTR) Department, wherein the Project Officer, ITDA Eturunagaram was instructed to examine the APAT order and take necessary action in the matter and furnish action taken report in the matter.

4. In his Appeal, the Appellant further stated that in spite of submitting all the above evidentiary material, his case was not examined properly in the DLSC and the District Collector, Mahabubabad basing on the findings of the Project Officer, ITDA Eturunagaram has cancelled his local ST certificate bearing No.C/50/2001, dated 14.03.2001 issued by the Tahsildar, Kothaguda Mandal through his Procs.Rc.No. e-Office File No.REV/C3/214/0044/2021-CSEC, dated 14.10.2021.

5. In the reference 3rd read above, Government have admitted the above Appeal petition and requested the District Collector, Mahabubabad District, the Project Officer, ITDA, Eturunagaram, Mulugu District and Tahsildar, Kothaguda Mandal Mahabubabad District to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4th read above, Notice was issued to the Appellant to attend for hearing on 26.08.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Banoth Venkatram S/o Bicha has attended and submitted certain documents. The Tahsildar, Kothaguda Mandal has attended, and submitted certain record. The Deputy Director (TW), Mahabubabad also attended and submitted record of file bearing Rc.No.T3/DLSC/385/2021 related to conduct of DLSC in respect of the Appellant, in the reference 5th read above, wherein it is found that:

- i) The Deputy Director (TW), Mahabubabad has addressed Lr.Rc.No.T3/DLSC/385/2021, dated 14.6.2021 to the Revenue Divisional Officer, Mahabubabad to cause verification of genuineness of Local Agency Area Certificate of Sri Banoth Venkatram S/o Bichya R/o Kothaguda and furnish report.
- ii) In response, the Revenue Divisional Officer, Mahabubabad has conducted enquiry and furnished report to the Deputy Director (TW), Mahabubabad stating that as per the report of Tahsildar, Kothaguda in Lr.Rc.No.C/237/2021, dated 18.06.2016, the individual Sri Banoth Venkatram was resident of Mylaram non-agency village and that when verified the DR of 2001 year, DR No.50, dated 19.1.2001 was assigned for issue of Birth Certificate to one Yapa Narayana S/o Venkataiah R/o Madagudem village and Sl.No.93 for the dated 14.3.2001 was assigned for the issue of "Law and Order Reserve Forest Gudur Block Encroachment of Forest Land Polaram 144 Section"- therefore, the Agency Certificate bearing No.C/50/2001, dated 14.3.2001 is fake.
- iii) Minutes of DLSC meeting bearing Rc.No.T3/DLSC/385/2021, dated 7.8.20212 headed by the Project Officer, ITDA Eturunagaram met on 25.6.2021 and on 30.6.2021 wherein it was resolved that:

"On thorough verification of the records of Tahsildar Office, Kothaguda and as per the report of the Tahsildar, Kothaguda & Revenue Divisional Officer, Mahabubabad, the Local ST Agency Certificate to Sri Banoth Venkatram S/o Bichya R/o Kothaguda with No.C/50/2001, dated 14.03.2001 was not issued from the Office of the Tahsildar Office-Kothaguda and moreover in the said Certificate, the age of Sri Banoth Venkatram S/o Bichya R/o Kothaguda has been mentioned as 16-years and the ST Local Agency Area Certificate

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No.C/50/2001 dated 14.3.2001 is fabricated and the Committee has concluded the said Certificate as "Not Genuine" as follows:

Sl. No.	Name	Father Name	Village	Name of the Mandal	Agency area certificate	Date	Remarks/ Findings of DLSC Committee
1	Banoth Venkatram	Bichya	Kothaguda	Kothaguda	C/50/2001	14.3.2001	Not Genuine

7. On perusal of the documentary evidences submitted by the Appellant and documents made available by the Deputy Director (TW), Mahabubabad during hearing on 26.8.2023 and in view of the above findings the DLSC, it is found that the ST Local Agency Area Certificate No.C/50/2001, dated 14.3.2001 obtained by the Appellant from the office of the Tahsildar, Kothaguda is a fraudulent one and the Appellant failed to give proper explanation to the said finding before the Government.

8. After careful examination of the matter, Government do not find any reason to interfere with the orders passed by the District Collector, Mahabubabad in Procs. No.REV/C3/214/0044/2021-CSEC dated 14.10.2021, and accordingly the Appeal filed by the Appellant Sri Banoth Venkatram S/o Bichya R/o Gandhinagar, Kothaguda village & Mandal, Mahabubabad District is hereby DISMISSED duly confirming orders of the District Collector, Mahabubabad.

9. The Collector and District Magistrate, Mahabubabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To
The Collector and District Magistrate, Mahabubabad District (By RPAD)
Sri Banoth Venkatram S/o Bichya
R/o Gandhinagar, Kothaguda village & Mandal,
Mahabubabad District -506135(By RPAD)

Copy to:-

The Commissioner and Director of School Education,
Telangana State, Hyderabad.
The District Educational Officer, Mahabubabad District.
The Project Officer, ITDA, Eturnagaram, Mulugu District.
The Deputy Director (TW), Mahabubabad District.
The Tahsildar, Kothaguda Mandal, Mahabubabad District.
The P.S. to Hon'ble Minister for ST Welfare.
The PA to Secretary (TW).
The PA to Special Secretary (TW).
Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.